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7 *Counsel for James M. Rhodes*

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10 **UNITED STATES BANKRUPTCY COURT**

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12 **DISTRICT OF NEVADA**

13 In re:

14 THE RHODES COMPANIES, LLC, aka
15 "Rhodes Homes," et al.,

16 Reorganized Debtors

17 Affects all Debtors

18 Affects the following Debtors

19 Case No.: 09-14814-LBR
(Jointly Administered)

20 Chapter 11

21
22 **MOTION TO QUASH ORDERS OF
23 RULE 2004 EXAMINATION AND
24 CORRESPONDING SUBPOENAS
25 AND/OR FOR PROTECTIVE ORDERS.**

26 Hearing Date: _____
Hearing Time: _____
Place: Courtroom 1

James M. Rhodes ("Rhodes"), through counsel, respectfully moves this Court pursuant to Rule 45(c) of the Federal Rules of Civil Procedure, made applicable herein pursuant to Rules 2004 and 9016 of the Federal Rules of Bankruptcy Procedure, for entry of an order vacating the recent Rule 2004 Orders and quashing the corresponding subpoenas sent out by the Litigation Trust of The Rhodes Companies, LLC, *et al.* (the "Litigation Trust"). Alternatively, Rhodes respectfully moves this Court pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, made applicable herein pursuant to Rules 9014 and 7026 of the Federal Rules of Bankruptcy

1 Procedure, for entry of a protective order. A memorandum of law in support of this Motion is
2 being filed concurrently herewith.

3 By this Motion, Rhodes objects to the recent Orders granting various Rule 2004
4 examinations and the corresponding subpoenas sent out by the Litigation Trust. The recent
5 Orders and subpoenas call for the Rule 2004 examinations of 28 separate entities, including
6 financial institutions, law firms, title companies and other professionals. The scope of the
7 Litigation Trust's discovery goes well beyond the permissible bounds of Rule 2004 and calls for
8 vast amounts of information—largely irrelevant, privileged, confidential, and personally
9 identifiable information—for a time period well outside the scope of reasonableness. The
10 subpoenas amount to nothing more than a witch-hunt under an impossible time deadline—the
11 minimum allowed in most cases—designed to annoy and harass.

12 Therefore, because the Litigation Trust does not have adequate good cause for the
13 expansive Rule 2004 examinations and the scope of the discovery requests are impermissible
14 under Fed. R. Bankr. P. 2004, this Court should vacate the Rule 2004 Orders and quash the
15 corresponding subpoenas. At a minimum, however, this Court should issue a protective order
16 limiting the scope of the Rule 2004 subpoenas and protecting the confidential information sought.

17 **WHEREFORE**, Rhodes respectfully requests that the Court enter an order quashing the
18 Rule 2004 Subpoenas and vacating the Rule 2004 Orders. Alternatively, Rhodes respectfully
19 requests that the Court enter a protective order limiting the scope of the Rule 2004 Subpoenas and
20 Rule 2004 Orders to protect against harassment, undue burden and disclosure of privileged or
21 otherwise personal and confidential information, and for any such further relief which the Court
22 may deem appropriate under the circumstances.

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1 DATED this 14th day of September, 2011.
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/s/ Kevin N. Anderson

Kevin N. Anderson
David R. Hague
FABIAN & CLENDENIN
Attorneys for James M. Rhodes

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